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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,715	02/12/2001	Michael J. Picciallo	P22,425-E USA	1933

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EXAMINER

KYLE, CHARLES R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/781,715	<b>Applicant(s)</b> PICCIALLO ET AL.	
	<b>Examiner</b> Charles Kyle	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 41-46, 48-51, 54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-46, 48-51, 54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

Claim 42 is objected to because of the following informalities: It appears that the letters “ing” at the end of the claim should be struck through. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 41-46 and 48-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,864,830 *Armetta et al* in view of US 6,779,115 *Naim*.

**Regarding Claim 41**, *Armetta* discloses the invention substantially as claimed, including in a computer-based method for allocating parental funds in established primary accounts for use by children (Col. 4, line 4, line 4 to Col. 6, line 57), steps of:

providing a preestablished primary account file containing parental funds for allocation to at least one child (Col. 3, lines 30-60);

creating a secondary account file accessible by a child for spending (Col. 3, line 61 to Col. 4, line 53); and

periodically transferring to said secondary account file at least a portion of the funds in said primary account use for use by said child (Col. 3, lines 46-60).

Art Unit: 3624

*Armetta* does not specifically disclose creation of a secondary account with an Internet music file supplier accessible by a purchaser for spending on Internet music purchases or transfer of funds to the secondary account for purchase and transfer of music files over the Internet using a personal computer. *Naim* discloses creation of a secondary account with an Internet music file supplier accessible by a purchaser for spending on Internet music purchases (Col. 8, line 31 to Col. 9, line 12) and transfer of funds to the secondary account for purchase and transfer of music files over the Internet using a personal computer (Col. 6, lines 24-58; Col. 8, line 33 to Col. 9, line 2; Col. 10, line 29 to Col. 11, line 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the limitations of Internet music purchase and account maintenance disclosed by *Naim* in the satellite account method of *Armetta* because this would insert elements of parental financial control into a popular children's activity of downloading music from the Internet.

**As to Claim 42**, *Armetta* discloses storing information at Col. 6, lines 38-43; *Naim* discloses storage of music download information at Summary of the Invention, at least. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the particular limitation of storing data on music download information of *Naim* in the method of *Armetta* to preserve downloaded music and/or maintain correct financial records..

**As to Claims 43 and 44**, *Armetta* discloses periodic supplying of purchase information to a parent at Col. 6, lines 38-43.

**Regarding Claims 45 and 46**, Official Notice is taken that weekly or monthly automatic transfer of funds to a recipient's account was old and well known at the time of the Invention. For example, automatic direct deposit of payroll to a recipient's bank account was done on a

Art Unit: 3624

weekly or monthly basis. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Armetta* to make deposits in this manner because this would allow a parent to provide “payroll” (an allowance, old and well known) to a dependent child.

**As to Claim 48**, see the discussion of Claim 49 and *Nakano* discloses limiting how funds may be spent in response to command instructions from the fund depositor at Col. 7, lines 43-51.

**With respect to Claim 49**, as to the feature wherein a transaction amount is limited, the Examiner notes that a transaction limit is imposed when a limited amount is available in the child’s account; a \$50 balance in the account means a transaction is limited to \$50.

**As to Claims 50-51**, see the discussion of Claims 45-46; exhaustion of funds periodically deposited would serve as a periodic (weekly or monthly) limit on spending. Once the money is spent, spending is most effectively limited.

**Claims 54-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,864,830 *Armetta et al* in view of US 6,779,115 *Naim* and further in view of US 5,485,519 *Hunter*.

**As to Claims 54-55**, *Armetta* discloses the invention substantially as claimed. See the discussion of Claim 48. *Armetta* does not specifically disclose limitation by content rating. *Hunter* discloses this limitation at Abstract and Summary of the Invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Armetta* to include limiting content rating as in *Hunter* because this would allow parents a tool to prevent viewing of objectionable material by the child. The need of such limits is made clear by the use of the V-Chip in televisions to screen children’s’ viewing material.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
March 27, 2006

**Primary Examiner**  
**Charles Kyle**  
**Art Unit 3624**

